

Thomas-Jensen  
Affirmation  
(redacted)

Exhibit # 61

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND**

STATE OF NEW YORK; STATE OF CALIFORNIA;  
STATE OF ILLINOIS; STATE OF RHODE ISLAND;  
STATE OF NEW JERSEY; COMMONWEALTH OF  
MASSACHUSETTS; STATE OF ARIZONA; STATE  
OF COLORADO; STATE OF CONNECTICUT;  
STATE OF DELAWARE; THE DISTRICT OF  
COLUMBIA; STATE OF HAWAII; STATE OF  
MAINE; STATE OF MARYLAND; STATE OF  
MICHIGAN; STATE OF MINNESOTA; STATE OF  
NEVADA; STATE OF NORTH CAROLINA; STATE  
OF NEW MEXICO; STATE OF OREGON; STATE OF  
VERMONT; STATE OF WASHINGTON; STATE OF  
WISCONSIN,

Plaintiffs,  
v.

DONALD TRUMP, IN HIS OFFICIAL CAPACITY AS  
PRESIDENT OF THE UNITED STATES; U.S.  
OFFICE OF MANAGEMENT AND BUDGET;  
MATTHEW J. VAETH, IN HIS OFFICIAL CAPACITY  
AS ACTING DIRECTOR OF THE U.S. OFFICE OF  
MANAGEMENT AND BUDGET; U.S.  
DEPARTMENT OF THE TREASURY; SCOTT  
BESSENT, IN HIS OFFICIAL CAPACITY AS  
SECRETARY OF THE TREASURY; PATRICIA  
COLLINS IN HER OFFICIAL CAPACITY AS  
TREASURER OF THE U.S.; U.S. DEPARTMENT OF  
HEALTH AND HUMAN SERVICES; DOROTHY A.  
FINK, M.D., IN HER OFFICIAL CAPACITY AS  
ACTING SECRETARY OF HEALTH AND HUMAN  
SERVICES; U.S. DEPARTMENT OF EDUCATION;  
DENISE CARTER, IN HER OFFICIAL CAPACITY  
AS ACTING SECRETARY OF EDUCATION; U.S.  
FEDERAL EMERGENCY MANAGEMENT  
AGENCY; CAMERON HAMILTON, IN HIS  
OFFICIAL CAPACITY AS ACTING  
ADMINISTRATOR OF THE U.S. FEDERAL  
EMERGENCY MANAGEMENT,

Defendants.

C.A. No. 1:25-cv-00039

**DECLARATION OF DAVID MOHLER**

I, David Mohler, hereby depose and state as follows:

1. I am the Executive Director of the Office Transportation Planning at the Massachusetts Department of Transportation (“MassDOT”). I make this declaration as a representative of MassDOT, in part based on the business records of MassDOT, and in part based on my personal knowledge and experience. In my official capacity and based on my personal knowledge and other sources of information that I have obtained and reviewed in that official capacity, I am familiar with, and if called upon to do so would be competent to testify to, the facts and circumstances set forth herein.

2. On April 28, 2023, the Commonwealth applied for a Climate Pollution Reduction Grant (“CPRG”) from the U.S. Environmental Protection Agency (“EPA”). The Commonwealth received its CPRG award on August 9, 2023.

3. The Commonwealth’s CPRG funds have been and continue to be used for deliverables required by EPA’s CPRG Formula Grants for Planning Program Guidance for States, Municipalities, and Air Pollution Control Agencies (March 1, 2023). The CPRG is also used to pay personnel charges of employees working on these issues, including in the Office of Climate Innovation and Resilience (“OCIR”).

4. On November 9, 2023, the Commonwealth received notification from EPA that the grant had been enrolled in the Automated Standard Application for Payments (“ASAP”) system. The notification stated: “You may now access the grant for draw down of needed funds at your discretion. Please keep in mind that the drawdown should be requested for immediate needs to cover expenses incurred or forecasted expenses for no more than a period of 3-5

business days. Funds can be drawn as often as necessary but not in excess to avoid overpayment and/or cash on hand.”

5. To complete the deliverables, the Commonwealth, following a competitive bidding process, contracted with AECOM. AECOM has been actively performing under that contract for seven months.

6. Nationally, the CPRG program works on a reimbursement model: states pay allowable expenses under the grant and then submit those expenses to the federal government through EPA’s ASAP system for reimbursement.

7. Since April 3, 2024, the Commonwealth has expended \$74,095.34 for reimbursable charges under the grant and has been reimbursed the full amount. The Commonwealth’s most recent reimbursement was received on January 17, 2025.

8. On February 4, 2025, at approximately 2:30 PM, employees at the Massachusetts Office of the Comptroller accessed the ASAP system to check the status of MassDOT’s CPRG. The ASAP system indicated that the CPRG had been suspended:

The screenshot displays the ASAP system interface within a web browser. The browser's address bar shows 'about:blank'. The page header includes the text 'ALC/Region: 68128933', 'Agency Short Name: RTP-Grants', and 'Account ID: [REDACTED]'. Below this, the 'Recipient ID' is redacted, and 'Recipient Short Name: MassDOT' is visible. The 'Inquiry Results:' section is divided into three main panels: 'ACCOUNT DETAILS', 'GRANT DETAILS', and 'AGENCY PAYMENT REVIEW'. The 'ACCOUNT DETAILS' panel lists various fields: 'Requestor ID' (redacted), 'Account ID' (redacted), 'Account Description: CLIMATE POLLUTION REDUX', '1031/LOC Account: No', 'Account Type: Regular Account', 'Group ID' (redacted), 'Control Account: No', 'Account Status Indicator: Suspended' (highlighted with a red arrow), 'Available Balance: \$2,921,203.66', 'Create Date: 11/09/2023', 'Begin Date: 07/01/2023', 'Performance Period End Date: 06/30/2027', 'End Date: 10/30/2027', and 'TAS Distribution'. The 'GRANT DETAILS' panel shows 'Grant: Yes', 'Federal Award Identification Number (FAIN): [REDACTED]', 'CFDA Number: [REDACTED]', and 'Total Estimated Grant Amount: \$0.00'. The 'AGENCY PAYMENT REVIEW' panel shows 'Agency Review: No', 'Threshold Amount', and 'Reason for Review'. A 'DRAW AMOUNTS' section at the bottom lists 'Max Total Draw Amount', 'Max Daily Draw Amount', and 'Max Monthly Draw Amount'.

9. MassDOT was provided with the above-shown screenshot, taken by representatives of the Comptroller's Office, as confirmation that the CPRG grant is currently suspended in the ASAP system.

10. As of February 4, 2025, the Commonwealth continues to incur allowable expenses under the grant and is preparing to submit a request for reimbursement in the amount of \$172,321.86 for already paid charges. The Commonwealth expects to receive an invoice this week from AECOM in the amount of \$109,860 for which the Commonwealth will attempt to seek reimbursement after payment. Should the CPRG remain suspended, the Commonwealth will not be able to receive reimbursement for these expenses.

11. If the Commonwealth is unable to access CPRG funds for a significant period of time, it will not be able to use CPRG funds to pay its project consultant, AECOM, for expenses already accrued, and it may be forced to modify its contract with AECOM.

12. On June 10, 2004, MassDOT submitted an application for a Low-Carbon Transportation Materials (LCTM) Grant.

13. The LCTM program is administered by the Federal Highway Administration (FHWA) using funding provided under the Inflation Reduction Act.

14. On November 14, 2024, MassDOT was notified that it had been selected for an award of \$31,933,577.

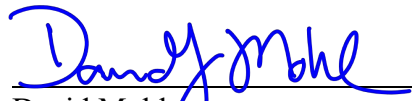
15. MassDOT entered in negotiations with FHWA on the grant agreement.

16. On January 24, 2025, during a monthly check-in the MassDOT Project Manager for the grant was orally informed by his FHWA counterpart that the negotiations were on-hold due to a freeze in funding.

17. As of today, the project is still on-hold and negotiations cannot progress.

18. This grant is intended to support testing of low-carbon cement to supplement traditional cement on bridge abutments, bridge decks and concrete pavement and to test its efficacy. The grant will be implemented through a contract with the cement maker, as well as contracts with the Massachusetts Institute of Technology and the University of Massachusetts. If this grant is not executed, MassDOT may have to modify its planned contracts with those entities.

**Signed under penalties of perjury this 5th day of February, 2025.**

  
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David Mohler  
Executive Director of the Office Transportation &  
Planning, MassDOT